



General Assembly

February Session, 2006

Amendment

LCO No. 3767

SB0038903767SD0

Offered by:

SEN. WILLIAMS, 29th Dist.

SEN. LOONEY, 11th Dist.

SEN. GAFFEY, 13th Dist.

SEN. HANDLEY, 4th Dist.

SEN. MCDONALD, 27th Dist.

SEN. COLEMAN, 2nd Dist.

To: Subst. Senate Bill No. 389

File No. 199

Cal. No. 182

**"AN ACT AUTHORIZING MUNICIPALITIES TO ESTABLISH A
SPECIAL ASSESSMENT ON BLIGHTED HOUSING."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 8-12 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2006*):

5 (a) If any building or structure has been erected, constructed,
6 altered, converted or maintained, or any building, structure or land
7 has been used, in violation of any provision of this chapter or of any
8 bylaw, ordinance, rule or regulation made under authority conferred
9 hereby, any official having jurisdiction, in addition to other remedies,
10 may institute an action or proceeding to prevent such unlawful
11 erection, construction, alteration, conversion, maintenance or use or to
12 restrain, correct or abate such violation or to prevent the occupancy of
13 such building, structure or land or to prevent any illegal act, conduct,

14 business or use in or about such premises. Such regulations shall be
15 enforced by the officer or official board or authority designated
16 therein, who shall be authorized to cause any building, structure, place
17 or premises to be inspected and examined and to order in writing the
18 remedying of any condition found to exist therein or thereon in
19 violation of any provision of the regulations made under authority of
20 the provisions of this chapter or, when the violation involves grading
21 of land, the removal of earth or soil erosion and sediment control, to
22 issue, in writing, a cease and desist order to be effective immediately.
23 The owner or agent of any building or premises where a violation of
24 any provision of such regulations has been committed or exists, or the
25 lessee or tenant of an entire building or entire premises where such
26 violation has been committed or exists, or the owner, agent, lessee or
27 tenant of any part of the building or premises in which such violation
28 has been committed or exists, or the agent, architect, builder,
29 contractor or any other person who commits, takes part or assists in
30 any such violation or who maintains any building or premises in
31 which any such violation exists, shall be fined not less than [ten] one
32 hundred nor more than [one] five hundred dollars for each day that
33 such violation continues; but, if the offense is wilful, the person
34 convicted thereof shall be fined not less than [one] five hundred
35 dollars nor more than [two hundred and fifty] one thousand dollars
36 for each day that such violation continues, or imprisoned not more
37 than ten days for each day such violation continues or both; and the
38 Superior Court shall have jurisdiction of all such offenses, subject to
39 appeal as in other cases. Any person who, having been served with an
40 order to discontinue any such violation, fails to comply with such
41 order within ten days after such service, or having been served with a
42 cease and desist order with respect to a violation involving grading of
43 land, removal of earth or soil erosion and sediment control, fails to
44 comply with such order immediately, or continues to violate any
45 provision of the regulations made under authority of the provisions of
46 this chapter specified in such order shall be subject to a civil penalty
47 not to exceed two thousand five hundred dollars, payable to the
48 treasurer of the municipality. In any criminal prosecution under this

49 section, the defendant may plead in abatement that such criminal
50 prosecution is based on a zoning ordinance or regulation which is the
51 subject of a civil action wherein one of the issues is the interpretation
52 of such ordinance or regulations, and that the issues in the civil action
53 are such that the prosecution would fail if the civil action results in an
54 interpretation different from that claimed by the state in the criminal
55 prosecution. If the court renders judgment for such municipality and
56 finds that the violation was wilful, the court shall allow such
57 municipality its costs, together with reasonable attorney's fees to be
58 taxed by the court. The court before which such prosecution is pending
59 may order such prosecution abated if it finds that the allegations of the
60 plea are true.

61 (b) Any civil penalty imposed by a municipality pursuant to the
62 provisions of subsection (a) of this section, and remaining unpaid for a
63 period of sixty days after its due date shall constitute a lien upon the
64 real estate against which the civil penalty was imposed from the date
65 of such civil penalty, provided a notice of violation is recorded in the
66 land records and indexed in the name of the property owner no later
67 than thirty days after the civil penalty was imposed. Each such lien
68 may be continued, recorded and released in the manner provided by
69 the general statutes for continuing, recording and releasing property
70 tax liens. Each such lien shall be effective from the time of the
71 recording of the lien on the land records, shall take precedence over all
72 other liens and encumbrances, except taxes, and may be enforced in
73 the same manner as property tax liens. Each title insurance company
74 issuing a policy for property in this state shall exclude coverage for
75 loss or damage because of a valid existing lien or a future unrecorded
76 lien imposed under this subsection.

77 (c) Any municipality imposing a civil penalty pursuant to
78 subsection (a) of this section shall maintain a current record of all
79 properties with respect to which such civil penalty remains unpaid in
80 the office of the municipal clerk. Such record shall be available for
81 inspection by the public.

82 Sec. 502. Section 8-12a of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2006*):

84 (a) Any municipality may, by ordinance adopted by its legislative
85 body, establish penalties for violations of zoning regulations adopted
86 under section 8-2 or by special act. The ordinance shall establish the
87 types of violations for which a citation may be issued and the amount
88 of any fine to be imposed thereby and shall specify the time period for
89 uncontested payment of fines for any alleged violation under any such
90 regulation. No fine imposed under the authority of this section may
91 exceed [one] two hundred fifty dollars for each day a violation
92 continues. Any fine shall be payable to the treasurer of the
93 municipality.

94 (b) The hearing procedure for any citation issued pursuant to this
95 section shall be in accordance with section 7-152c except that no zoning
96 enforcement officer, building inspector or employee of the municipal
97 body exercising zoning authority may be appointed to be a hearing
98 officer.

99 (c) Any zoning enforcement officer who issues a citation pursuant to
100 an ordinance adopted under this section shall be liable for treble
101 damages in any civil action if the court finds that such citation was
102 issued frivolously or without probable cause.

103 (d) Any fine imposed pursuant to the provisions of subsection (a) of
104 this section, and remaining unpaid for a period of sixty days after its
105 due date shall constitute a lien upon the real estate against which the
106 fine was imposed from the date of such fine, provided a notice of
107 violation is recorded in the land records and indexed in the name of
108 the property owner no later than thirty days after the fine was
109 imposed. Each such lien may be continued, recorded and released in
110 the manner provided by the general statutes for continuing, recording
111 and releasing property tax liens. Each such lien shall be effective from
112 the time of the recording of the lien on the land records, shall take
113 precedence over all other liens and encumbrances, except taxes, and

114 may be enforced in the same manner as property tax liens. Each title
115 insurance company issuing a policy for property in this state shall
116 exclude coverage for loss or damage because of a valid existing lien or
117 a future unrecorded lien imposed under this subsection.

118 (e) Any municipality imposing a fine pursuant to subsection (a) of
119 this section shall maintain a current record of all properties with
120 respect to which such fine remains unpaid in the office of the
121 municipal clerk. Such record shall be available for inspection by the
122 public.

123 Sec. 503. Section 47a-53 of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective October 1, 2006*):

125 (a) Whenever any tenement, lodging or boarding house or any
126 building, structure, excavation, business pursuit, matter or thing in or
127 about such house or the lot on which it is situated, or the plumbing,
128 sewerage, drainage, lighting, paint or ventilation of such house, is, in
129 the opinion of the board of health or other enforcing agency, in a
130 condition which is or in its effect is dangerous or detrimental to life or
131 health, or whenever any tenement, lodging or boarding house in the
132 opinion of the board or enforcing agency, is in violation of the
133 provisions of section 19a-109, the board or other enforcing agency may
134 declare that the same, to the extent specified by the board or other
135 enforcing agency, is a public nuisance. The board or enforcing agency
136 may order such public nuisance to be removed, abated, suspended,
137 altered or otherwise remedied, improved or purified. The board of
138 health or other enforcing agency may also order or cause any tenement
139 house or part thereof, or any excavation, building, structure, sewer,
140 plumbing pipe, paint, passage, premises, ground, matter or thing in or
141 about a tenement, lodging or boarding house or the lot on which such
142 house is situated, to be purified, cleansed, disinfected, removed,
143 altered, repaired or improved.

144 (b) If any order of the board of health or other enforcing agency is
145 not complied with, or not so far complied with as the board or other

146 enforcing agency regards as reasonable, within five days after the
147 service thereof, or within such shorter time as the board or other
148 enforcing agency designates, such order may be executed by the board
149 or other enforcing agency, through its officers, agents, employees or
150 contractors. The expense of executing such order, including an amount
151 not to exceed five per cent of the expense thereof as a service charge
152 and ten per cent of the expense thereof as a penalty shall be collected
153 from the owner by an action in the name of the city, borough or town.

154 (c) Any expense of executing an order, including any service charge
155 and penalty, imposed by the board of health or other enforcing agency
156 pursuant to the provisions of subsection (b) of this section, and
157 remaining unpaid for a period of sixty days after its due date shall
158 constitute a lien upon the real estate against which the expense was
159 imposed from the date of such expense, provided a notice of violation
160 is recorded in the land records and indexed in the name of the
161 property owner not later than thirty days after the expense was
162 imposed. Each such lien may be continued, recorded and released in
163 the manner provided by the general statutes for continuing, recording
164 and releasing property tax liens. Each such lien shall be effective from
165 the time of the recording of the lien on the land records, shall take
166 precedence over all other liens and encumbrances, except taxes, and
167 may be enforced in the same manner as property tax liens. Each title
168 insurance company issuing a policy for property in this state shall
169 exclude coverage for loss or damage because of a valid existing lien or
170 a future unrecorded lien imposed under this subsection.

171 (d) Any board of health or other enforcing agency imposing an
172 expense, including a service charge and penalty, pursuant to
173 subsection (b) of this section shall maintain a current record of all
174 properties with respect to which such expenses remain unpaid in the
175 office of the municipal clerk. Such record shall be available for
176 inspection by the public.

177 Sec. 504. Section 47a-58 of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective October 1, 2006*):

179 (a) Any enforcing agency may issue a notice of violation to any
180 person who violates any provision of this chapter or a provision of a
181 local housing code. Such notice shall specify each violation and specify
182 the last day by which such violation shall be corrected. The date
183 specified shall not be less than three weeks from the date of mailing of
184 such notice, provided that in the case of a condition, which in the
185 judgment of the enforcing agency is or in its effect is dangerous or
186 detrimental to life or health, the date specified shall not be more than
187 five days from the date of mailing of such notice. The enforcing agency
188 may postpone the last day by which a violation shall be corrected upon
189 a showing by the owner or other responsible person that he has begun
190 to correct the violation but that full correction of the violation cannot
191 be completed within the time provided because of technical
192 difficulties, inability to obtain necessary materials or labor or inability
193 to gain access to the dwelling unit wherein the violation exists.

194 (b) When the owner or other responsible person has corrected such
195 violation, [he] the owner or other responsible person shall promptly,
196 but not later than two weeks after such correction, report to the
197 enforcing agency in writing, indicating the date when each violation
198 was corrected. It shall be presumed that the violation was corrected on
199 the date so indicated, unless a subsequent inspection by the enforcing
200 agency again reveals the existence of the condition giving rise to the
201 earlier notice of violation.

202 (c) Any person who fails to correct any violation prior to the date set
203 forth in the notice of violation shall be subject to a cumulative civil
204 penalty of five dollars per day for each violation from the date set for
205 correction in the notice of violation to the date such violation is
206 corrected, except that in any case the penalty shall not exceed [five]
207 one hundred dollars per day nor shall the total penalty exceed
208 [seventy-five] seven thousand five hundred dollars. The penalty may
209 be collected by the enforcing agency by action against the owner or
210 other responsible person or by an action against the real property. An
211 action against the owner may be joined with an action against the real
212 property.

213 (d) In addition to the penalties specified in this section, the
214 enforcing agency may enforce the provisions of this chapter or a local
215 housing code by injunctive relief pursuant to chapter 916.

216 (e) Any penalty imposed by an enforcing agency pursuant to the
217 provisions of subsection (c) of this section, and remaining unpaid for a
218 period of sixty days after its due date shall constitute a lien upon the
219 real property against which the penalty was imposed from the date of
220 such penalty, provided a notice of violation is recorded in the land
221 records and indexed in the name of the property owner no later than
222 thirty days after the penalty was imposed. Each such lien may be
223 continued, recorded and released in the manner provided by the
224 general statutes for continuing, recording and releasing property tax
225 liens. Each such lien shall be effective from the time of the recording of
226 the lien on the land records, shall take precedence over all other liens
227 and encumbrances, except taxes, and may be enforced in the same
228 manner as property tax liens. Each title insurance company issuing a
229 policy for property in this state shall exclude coverage for loss or
230 damage because of a valid existing lien or a future unrecorded lien
231 imposed under this subsection.

232 (f) Any enforcing agency imposing a penalty pursuant to subsection
233 (c) of this section shall maintain a current record of all properties with
234 respect to which such penalty remains unpaid in the office of the
235 municipal clerk. Such record shall be available for inspection by the
236 public.

237 Sec. 505. Subdivision (10) of subsection (c) of section 7-148 of the
238 general statutes is repealed and the following is substituted in lieu
239 thereof (*Effective October 1, 2006*):

240 (10) (A) Make all lawful regulations and ordinances in furtherance
241 of any general powers as enumerated in this section, and prescribe
242 penalties for the violation of the same not to exceed [one hundred] two
243 hundred fifty dollars, unless otherwise specifically provided by the
244 general statutes. Such regulations and ordinances may be enforced by

245 citations issued by designated municipal officers or employees,
246 provided the regulations and ordinances have been designated
247 specifically by the municipality for enforcement by citation in the same
248 manner in which they were adopted and the designated municipal
249 officers or employees issue a written warning providing notice of the
250 specific violation before issuing the citation;

251 (B) Adopt a code of ethical conduct;

252 (C) Establish and maintain free legal aid bureaus;

253 (D) Perform data processing and related administrative computer
254 services for a fee for another municipality;

255 (E) Adopt the model ordinance concerning a municipal freedom of
256 information advisory board created under subsection (f) of section 1-
257 205 and establish a municipal freedom of information advisory board
258 as provided by said ordinance and said section.

259 Sec. 506. Subsection (b) of section 51-164n of the 2006 supplement to
260 the general statutes is repealed and the following is substituted in lieu
261 thereof (*Effective October 1, 2006*):

262 (b) Notwithstanding any provision of the general statutes, any
263 person who is alleged to have committed (1) a violation under the
264 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
265 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
266 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292,
267 or 12-326g, as amended, subdivision (4) of section 12-408, subdivision
268 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,
269 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as
270 amended, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253,
271 subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-
272 336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a),
273 (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
274 14-12, as amended, section 14-20a or 14-27a, subsection (e) of section
275 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, as

276 amended, 14-50a or 14-58, subsection (b) of section 14-66, as amended,
277 section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80,
278 subsection (f) of section 14-80h, as amended, section 14-97a, 14-100b,
279 14-103a, 14-105a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a
280 first violation as specified in subsection (f) of section 14-164i, section
281 14-219 as specified in subsection (e) of said section, subdivision (1) of
282 section 14-223a, as amended, section 14-240, 14-249, as amended, or 14-
283 250, as amended, subsection (a), (b) or (c) of section 14-261a, section 14-
284 262, 14-264, 14-267a, 14-269, 14-270, as amended, 14-275a, 14-278 or 14-
285 279, subsection (e) of section 14-283, as amended, section 14-291, 14-
286 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
287 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
288 (a) of section 15-115, section 16-256, 16-256e, 16a-15, as amended, or
289 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
290 as amended, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-
291 137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
292 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
293 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
294 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
295 425, 19a-502, 20-7a, as amended, 20-14, 20-158, 20-231, 20-257, 20-265 or
296 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,
297 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, as amended, 21-
298 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
299 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
300 79, as amended, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-
301 13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, as
302 amended, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-
303 89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-
304 320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344,
305 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-
306 246, subsection (a) of section 22a-250, as amended, subsection (e) of
307 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449, as
308 amended, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of
309 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-
310 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,

26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, as amended, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, as amended, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, as amended, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 507. Section 51-164p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) Notwithstanding any provision of any special act, local law or the general statutes to the contrary, any violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty does not exceed ninety dollars shall be an infraction as provided for in sections 51-164m and 51-164n, as amended by this act.

(b) Notwithstanding any provision of any special act, local law or the general statutes, any violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes

344 and the health code, for which the penalty exceeds ninety dollars but
345 does not exceed two hundred fifty dollars shall be a violation as
346 provided for in sections 51-164m and 51-164n, as amended by this act."